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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 SOUTHERN HIGHLANDS, LLC,

11 Plaintiff,

12 v.

13 SCOTT REID, *et al.*,

14 Defendants.
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Case No. 2:10-CV-1704-KJD-PAL

ORDER

16 Presently before the Court is Plaintiff's Motion for Judgment on the Pleadings (#12). Though
17 the time for doing so has passed, no response in opposition has been filed. In response to the
18 Complaint (#1) Defendant Donnell Reid d/b/a Super Clean Cut filed a response, or answer (#10).

19 A plaintiff succeeds in trademark infringement claim under the Lanham Act by
20 showing that defendants' use of a mark gives rise to a likelihood of confusion as to the
21 source or origin of either parties' goods or services. See E. & J. Gallo Winery v. Gallo Cattle
22 Co., 967 F.2d 1280, 1290 (9th Cir. 1992). The similarity of the compared marks is
23 significant in determinations of likelihood of confusion. Id. Here, Defendants have admitted (#10)
24 and not denied Plaintiff's allegations and judgment on the pleadings is therefore appropriate.

25 Defendants also do not deny Plaintiff's allegations that Defendants' unlicensed use of
26 Plaintiff's marks, including an exact duplicate of the Southern Highlands' Logo ("the Logo") on its

1 business card, to advertise for and sell landscaping services was likely to confuse customers as to an
2 association between the parties or dilute Plaintiff's marks and damage Plaintiff. As reflected by the
3 parties' pleadings, Defendants have exactly duplicated Plaintiff's registered mark and specifically the
4 Southern Highlands Logo ("the Logo").

5 Moreover, Defendants' answer or response does not deny and also implicitly admits to using
6 Plaintiff's marks and the Logo by informing the Court that: "[the Defendants] have already stopped
7 using the Logo and have no need to use the Logo in the Future" (Doc. 10, p. 1-2). Because of the
8 undisputed and indisputable use by Defendants of Plaintiff's marks, consumers will be confused as to
9 a sponsorship or association between the parties and Plaintiff will suffer irreparable injury.

10 Brookfield Communications, Inc. v. West Coast Entertainment Corp., 174 F.3d 1036, 1066 (9th Cir.
11 1999).

12 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Judgment on the
13 Pleadings (#12) is **GRANTED**.

14 DATED this 6th day of April 2011.

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18 Kent J. Dawson
19 United States District Judge
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